

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

C.W.P. No. 16412 of 2005

Date of Decision: October 16, 2006

Avtar Singh

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR.

HON'BLE MR. JUSTICE M.M.S. BEDI.

Present:- Mr. R.P. Singh, Advocate
for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

-:-

M.M. KUMAR, J. (ORAL)

The prayer made by the petitioner is that a direction be issued to the respondents to pay the revised pension, gratuity and other benefits on the basis of last pay drawn by him when he was working on deputation with the U.T. Administration, Chandigarh. It is appropriate to mention that the petitioner has been working with the respondent State of Haryana as Senior Draftsman and he was sent on deputation to the U.T. Administration, Chandigarh, as such from 1978 to 1981. After repatriation, he was again

deputed to serve the U.T. Administration, Chandigarh, as Planning Assistant. He was promoted by his parent Department in the State of Haryana to the post of Town and Country Planning, Haryana, in 1999 although, he continued to serve the U.T. Administration, Chandigarh, as Assistant Town Planner, till the date of his superannuation i.e. September 30, 2000. His basic pay drawn on the date of his retirement from U.T. Administration, Chandigarh was Rs.12750/- whereas his basic pay in his parent department would have been Rs.11850/-. It is claimed that Rs.900/- less than the basic pay has been taken as the basis for fixing his pension. It is further claimed that the pension could have been fixed on the basis of basic pay drawn by the petitioner while he was working on deputation with the U.T. Administration, Chandigarh.

Having heard the learned counsel at some length, we find that no relief could be granted to the petitioner because under Rule 6.19 of the Punjab Civil Services Rules, Volume II, as applicable to the State of Haryana, it is stipulated that the dues of employees on deputation to any other State Government or the Central Government etc. are to be calculated on the fiction, as if he had never proceeded on deputation and the emoluments which he would have drawn had he continued with the parent Department. The aforementioned rule as has been relied upon by the respondent, read as under:-

“In the case of employees on deputation to any other State Government or Central Government, the emoluments which he

would have drawn had he not proceeded on deputation, will alone be taken into account.

The pay of the petitioner for the purpose of calculation of retrial benefits has been fixed strictly as per Rule 6.19 (supra) hence the present petition is liable to be dismissed on this ground alone.”

In view of the explicit Rule which is self-explanatory, we are of the view that the relief claimed by the petitioner does not deserves to be granted. There is no merit in the petition.

Dismissed.

(M.M.KUMAR)
JUDGE

October 16, 2006
sanjay

(M.M.S.BEDI)
JUDGE